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Division of Wyeth, Walter Wardrop, and Michael
McDermott

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants..

05-CV-8106 (RCC) (DFE)

**DECLARATION OF
PETER BIGELOW**

I, Peter Bigelow, declare:

1. I am employed by Wyeth Pharmaceuticals, a Division of Wyeth ("Wyeth"), as a Senior Vice President, Wyeth Consumer Healthcare Operating Unit. I make this declaration based on my own personal knowledge.

2. On January 26, 2004, I had a meeting with Howard Henry who came to speak to me because he was unhappy with the rating he received in his 2003 performance evaluation and because he was unhappy with his assignment to a Packaging Supervisor position as part of the corporate restructuring referred to as the Organizational Cascade. Mr. Henry advised me that he wished to be re-evaluated and he wished to remain in his current position, rather than move to the Packaging Supervisor position.

3. I then spoke to Mr. McDermott and Mr. Schaschl regarding Mr. Henry's performance review and assignment as part of the Organizational Cascade. I decided to delay Mr. Henry's transfer to the Packaging Supervisor position until after I could review his performance reviews for the previous few years and until after I could speak to Mr. Henry again. I advised Mr. Henry of this in an email dated January 27, 2003. (A copy of my January 27, 2004 email to Mr. Henry is attached hereto as Exhibit 1.).

4. I communicated with Mr. Henry on several occasions over the next several weeks, and he continued to insist that he should be re-evaluated and that he should remain in his current position instead of transferring to the Packaging Supervisor position.

5. On April 21, 2004, I met with Mr. Henry and presented him with two options for different positions within the Company: (1) the Packaging Supervisor position that he had been assigned to as part of the Organizational Cascade; or (2) a Senior Validation Specialist position within the Vaccines Division. In an email dated April 26, 2006, Mr. Henry rejected both of these options and suggested that, rather than moving to the Packaging Supervisor position or moving to a position in the Vaccines Division, he would be willing to assume the role as Consumer Health Project Engineer, which would have been very similar to a position he had held in the past.

6. We decided to grant Mr. Henry's wish and to permit him to remain in his position as a Production Engineer. Mr. Henry had been insisting all along that he wished to remain in his position as a Production Engineer. Ultimately, I felt that it did not make sense to transfer an employee, such as Mr. Henry, to a position he so emphatically did not want to have. In any event, we thought that this Production Engineer position would be a better position than the other option Mr. Henry had suggested – the Project Engineer position – because Mr. Henry

had difficulty completing projects on time when he worked as an engineer on projects, and we thought this difficulties completing projects would have created more problems if Mr. Henry were working in a Project Engineer position.

Executed on October 30, 2006 at Collegeville, Pennsylvania.

I declare under penalty of perjury that the foregoing is true and correct.


Peter Bigelow

Howard Henry - Re: Situation

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From: Howard Henry
To: Bigelow, Peter
Date: 1/27/2004 5:00:30 PM
Subject: Re: Situation

Peter,

Thanks for the update. I will schedule the meeting through Ms. Zsenai as you stated.

Once again have a safe trip and I look forward to meeting with you during the week of February 9th.

Howard

>>> Peter Bigelow 1/27/2004 4:19:30 PM >>>
Dear Howard,

Thanks for your note and the additional information. I did get a chance to speak with Mike McDermott and Andy Schaschl about your situation today. They filled me in about the 2003 Performance rating and about the circumstances around the new assignment. I asked for some additional information which they are gathering for me. In the meantime we agreed that your transfer to the Packaging role should be delayed until you and I have a chance to discuss the situation further. Could you schedule a meeting for you and I when I am back in Pearl River. You can schedule through Abigail Zsenai for the week of Feb 9.

Peter

>>> Howard Henry 1/27/2004 8:37:27 AM >>>
Good morning Pete,

During our conversation yesterday morning, I did not mention a pertinent piece of information. On 1/16/2003, after speaking with Mike McDermott on 1/13/2003, I met with Walter Wardrop and Joanne Rose in order to review amendments made to my original 2003 performance appraisal. The changes, however, were unsatisfactory. This was yet another reason why I came to see you for resolution.

Thank you for speaking with me yesterday, have a safe trip to the FDA and I look forward to meeting with you in two weeks.

Cordially,
Howard Henry